

1 **Marquis Aurbach**
2 Scott A. Marquis, Esq.
3 Nevada Bar No. 6407
4 10001 Park Run Drive
5 Las Vegas, Nevada 89145
6 Telephone: (702) 382-0711
7 Facsimile: (702) 382-5816
8 smarquis@maclaw.com

9
10 Carmel, Milazzo & Feil, LLP
11 Ross David Carmel, Esq.
12 New York Bar No. 4686580
13 Pro Hac Vice Forthcoming
14 55 West 39th Street, 18th Floor
15 New York, NY 10018
16 rcarmel@cmdllf.com
17 Attorneys for Plaintiff Phillip Forman

18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 PHILLIP FORMAN, an individual,

21 Plaintiff,

22 vs.

23 UNITED HEALTH PRODUCTS, INC., a
24 Nevada domestic corporation; and
25 DOUGLAS K. BEPLATE, an individual,

Defendant.

26 Case Number:
27 2:19-cv-519-GMN-VCF

28 **STIPULATION AND ORDER FOR**
EXTENSION OF TIME TO FILE JOINT
PRE-TIRAL ORDER
(SECOND REQUEST)

29 Plaintiff, Phillip Forman (“Dr. Forman” or “Plaintiff”), by and through his attorneys,
30 the law firms of Marquis Aurbach and Carmel, Milazzo & Feil, LLP and Defendants United
31 Health Products, Inc. (“UHP”) and Douglas K. Beplate (“Beplate”) (collectively referred to
32 herein as the “Defendants), by and through their counsel of record, Frank H. Cofer III, Esq.,
33 of the law firm of Cofer & Geller, LLC, and Howard R. Birnbach, Attorney at Law, hereby
34 stipulate as follows.

35 **SUMMARY OF RELIEF REQUESTED**

36 This stipulation is a request to extend the current deadline to file a joint pre-trial Order,
37 as set forth in an Order of this Honorable Court, dated February 14, 2022 and as extended
38 pursuant to the parties’ first request for an extension of same by Court Order dated March 8,
39 2022. Currently, the joint pre-trial Order is due to be filed on March 21, 2022. The parties

1 are respectfully requesting a two (2) week extension, such that the joint pre-trial Order be due
2 on April 4, 2022.

3 Pursuant to LR IA 6-1

(a) A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted...A request made after the expiration of the specified period will not be granted unless the movant or attorney demonstrates that the failure to file the motion before the deadline expired was the result of excusable neglect. Immediately below the title of the motion or stipulation there also must be a statement indicating whether it is the first, second, third, etc., requested extension, i.e.

**STIPULATION TO EXTEND TIME TO FILE MOTIONS
(Second Request)**

See, LR IA 6-1

The parties therefore submit this stipulation to in order to request an extension of time within which to file a joint pre-trial Order in compliance with LR IA 6-1.

The joint pre-trial Order is currently due to be filed on March 21, 2022. The parties are respectfully requesting an extension of two (2) weeks, bringing the new due date up to and including April 4, 2022. The reasons for the instant request are as follows. First, while some of the issues for trial have been simplified following this Honorable Court's Decision and Order on each parties' motion for summary judgment, there is still a complexity of factual matters with respect to claims which were not subjects of either motion for summary judgment, including which of the purported facts are legitimately contested or uncontested. The parties are still working on resolving these issues and are negotiating which facts are admitted without proof, which will not be contested with evidence, and which are to be tried and decided. In addition, the parties require more time to set forth their objections to the depositions.

In addition, the parties have had additional settlement negotiations. The undersigned believes that the brief extension sought may help facilitating same by ‘keeping money on the table’ which would otherwise go towards legal fees in preparing the pre-trial Order. Further,

1 the undersigned believes that a settlement may be facilitated by reserving contentious issues
2 required for the pre-trial Order until negotiations are no longer productive.

3 Accordingly, the parties respectfully request that the due date for the filing of the joint
4 pre-trial Order be extended by two (2) weeks, from March 21, 2022 to April 4, 2022.

5 Dated this 18th day of March, 2022

Dated this 18th day of March, 2022

6 **MARQUIS AURBACH COFFING**

COFER & GELLER, LLC

7 By: /s/ Scott A. Marquis, Esq.

8 Scott A. Marquis, Esq.
9 Nevada Bar No. 6407
10 10001 Park Run Drive
Las Vegas, Nevada 89145

By: /s/ Howard R. Birnbach, Esq.

Frank H. Cofer III, Esq.
Nevada Bar No. 11362
601 South Tenth Street
Las Vegas, Nevada 89101

11 CARMEL, MILAZZO & FEIL, LLP
12 Michael D. Nacht, Esq.
(pro hac vice admitted)
13 55 West 39th St. 18th Floor
New York, New York 10018
14 Attorneys for Plaintiff Phillip Forman

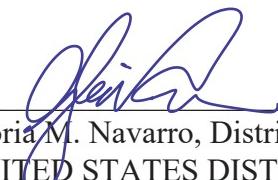
Howard R. Birnbach, Esq.
(pro hac vice admitted)
111 Great Neck, New York 11021

15 Attorneys for Defendants United Health
Products, Inc. and Douglas K. Beplate

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

16
17
18
19
20
21
22
23
24
25
26
27
28
IT IS SO ORDERED.

Dated this 18 day of March, 2022


21
22
23
24
25
26
27
28
Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT